IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 291 OF 2005

STATE OF GOA REP.BY EXECUTIVE ENGINEER ....Petitioner

Versus

M/S KARNATAKA CEMENT PIPE FACTORY,THROUGH ITS PARTNERS AND 2 ORS., ...Respondents

Mrs. Winnie Coutinho, Govt. Advocate, for the Petitioner.

Coram:- D. D. SINHA, J.

Date:- 17th November, 2005

P.C.:

Heard Mrs. W. Coutinho, the learned counsel for the Petitioner.

2. The Writ Petition is directed against the Order dated 5.1.2005 passed by the Addl. District Judge, whereby the plaintiffs were directed to refer to arbitration in respect of the dispute and that since the Arbitrator is already appointed and was directed to decide the dispute in question along with the other disputes.

3. Considered the contentions canvassed by the learned counsel for the petitioner. It is not in dispute that there is an arbitration clause (Clause 25) in the Agreement. The learned counsel for the petitioner states that under the said clause, the matter can be referred to the Arbitrator only in certain circumstances and contingencies and the present dispute does not come within the said contingencies and therefore the reference to the Arbitrator by the Court below is not proper.

4. In the case in hand, Arbitrator is already appointed in respect of other

disputes, hence by impugned order one more dispute is referred to the Arbitrator. Therefore the petition suffers from lack of merit. Same is dismissed.

D. D. SINHA, J.

sl.